

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Plaintiff,

-against-

Docket No. S4 05 Cr. 1067 (KMK)

NOTICE OF MOTION

ROBERTO MONTGOMERY, et. al.

Defendant.

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PLEASE TAKE NOTICE, that upon the accompanying Affirmation, Exhibits and Memorandum of Law dated the 8<sup>th</sup> day of November, 2007, all papers and proceedings heretofore had herein, the undersigned, attorney for NARESH PITMABAR, will move this Court at the Federal Courthouse, 500 Pearl Street, New York, New York, at a date and time convenient for the Court for an Order:

1. Granting a new trial pursuant to Federal Rule of Criminal Procedure 33;
2. Permitting Naresh Pitambar to join in all the motions made by any and all of his co-defendant's to the extent they are consistent with his application; and
3. For such other relief as the court deems just and proper.

Dated: New York, New York  
November 8, 2007

Yours etc.,

\_\_\_\_\_/s/\_\_\_\_\_  
Denis Patrick Kelleher (DK-1414)  
Kelleher & Dunne LLP  
Attorneys for Naresh Pitambar  
17 Battery Place, 11th Floor  
New York, New York 10004  
(212) 825-1700

TO: THE CLERK OF THE COURT  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007 (via ECF)

AUSA E. Danya Perry  
United States Attorney's Office  
One St. Andrew's Plaza  
New York, N.Y. 10007 (via ECF)

All Defense Counsel (via ECF)